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9
10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 IN RE: INCRETIN MIMETICS
13 PRODUCTS LIABILITY
LITIGATION,

14 *This Document Relates only to*

15 DIANNE PINNEY, INDIVIDUALLY AND
16 AS SUCCESSOR-IN-INTEREST
17 AND SURVIVING HEIR OF
18 VIRGIL PINNEY, DECEASED,

19 Plaintiffs

20 v.

21 AMYLIN PHARMACEUTICALS, INC.,
22 AMYLIN PHARMACEUTICALS, LLC,
23 ELI LILLY AND COMPANY, and
DOES 1-100,

24 Defendants.

MDL Case No.13md2452 AJB

**STIPULATION AND JOINT MOTION
TO AMEND CAPTION AND FOR
PLAINTIFFS' LEAVE TO FILE A FIRST
AMENDED COMPLAINT**

Case No.: 3:13-cv-2774-AJB-MDD

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26 **STIPULATION AND JOINT MOTION TO AMEND CAPTION TO REFLECT DIANNE**
27 **PINNEY'S NEW STATUS AS ADMINISTRATOR OF THE ESTATE OF VIRGIL PINNEY,**
DECEASED AND FOR LEAVE TO FILE PLAINTIFFS' FIRST AMENDED COMPLAINT

1. Pursuant to Fed. R. Civ. P. 15(a), Plaintiffs desire to amend the case caption to reflect Dianne Pinney's new status as Administrator of the Estate of Virgil Pinney, Deceased.

2. Plaintiffs represent that Dianne Pinney has duly qualified and is now acting as the Administrator of the Estate of Virgil Pinney, Deceased. (*See attached* Exhibit A, Letters Testamentary).

3. The facts stipulated to here are reflected in Plaintiffs' proposed first amended complaint which is attached as Exhibit B to this Stipulation and Joint Motion.

4. Defendants reserve all rights and defenses with respect to any and all claims.

IT IS HEREBY STIPULATED by the parties that the case caption be amended to reflect Dianne Pinney's new capacity as the Administrator of the Estate of Virgil Pinney, Deceased, and that Plaintiffs be permitted to file the proposed first amended complaint attached herewith as Exhibit B to this Stipulation.

Dated: June 6, 2014

Respectfully Submitted,

/s/ Thomas J. Preuss

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